

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

**IN RE: BANKRUPTCY PROCEEDING**

**JON CHRISTOPHER EVANS**

**CASE NO. 09-03763 NPO**

**JOINTLY ADMINISTERED WITH RELATED CASES**

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**TRUSTEE'S MOTION TO SELL ASSETS FREE AND CLEAR OF LIENS, INTEREST,  
ENCUMBRANCES AND CLAIMS - TRACT 3A**

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COMES NOW Derek A. Henderson, Trustee in the above-referenced bankruptcy cases, and files this his Motion to Sell Assets Free and Clear of Liens, Interests, Encumbrances and Claims - Tract 3A, and in support thereof would show unto the Court the following:

1.

The Court has jurisdiction over this matter pursuant to 28 U.S.C. §1334, 28 U.S.C. §157 and 11 U.S.C. §363. This matter is a core proceeding.

2.

On October 26, 2009, Jon Christopher Evans filed his petition under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Southern District of Mississippi (Case No. 09-03763 NPO). Derek A. Henderson was appointed the Chapter 7 Trustee.

3.

Between October 26, 2009 and January 14, 2010, other related debtors filed Chapter 7 petitions. On December 21, 2009 an Order Granting Motion for Joint Administration was entered (Docket No. 161). On February 8, 2010, a Second Order Granting Motion for Joint Administration was entered (Docket No. 298). On April 6, 2010, a Third Order Granting Motion for Joint Administration was entered (Docket No. 513). These related jointly administered debtors include the following:

Colony Developers, Inc.	09-04016 NPO
Highland of Ridgeland, Inc.	09-04017 NPO
Twin City Commons Development Company, LLC	09-04091 NPO
Old Agency Business Park, Inc.	09-04101 NPO
Cedar Lake Investors, LLC	09-04102 NPO
Colony Construction Ltd.	09-04104 NPO
Town Park of Madison, LLC	09-04105 NPO
Madison Avenue Development Co., LLC	09-04109 NPO
White Oak Investment Company	09-04118 NPO
Woodgreen Development Corporation	09-04120 NPO
Nottaway Pointe, LLC	09-04124 NPO
Ridgeland Recreational Corp.	09-04125 NPO
Hanover Investments, LLC	09-04126 NPO
Highland of Madison Development, Inc.	09-04214 NPO
Highland Colony Group, LLC	09-04215 NPO
Paloma Ridge, LLC	09-04216 NPO
Riverbend Group, LLC	09-04217 NPO
Sawbridge Development, LLC	09-04218 NPO
Westfield Way, LLC	09-04219 NPO
JCE Construction	09-04369 NPO
CE Development, Inc.	09-04396 NPO
Oakmont Mill, LLC	09-04398 NPO
Snowden Lane Investments, LLC	09-04488 NPO
C&L, Inc.	09-04489 NPO
Canton Oaks Investment & Redevelopment Company, LLC	09-04490 NPO
Westwood Investments, LLC	09-04491 NPO
Twinbrook Run Development Company, LLC	09-04492 NPO
Brashear Heath, LLC	09-04494 NPO
463 Development Company, LLC	09-04505 NPO
Park Place Commons, LLC	09-04508 NPO
Parkway Crossing, LLC	09-04510 NPO
Marner Park, LLC	09-04511 NPO
Greenwood Place, LLC	10-00117 NPO
Lake Harbor Development Company, LLC	10-00118 NPO
Windsor Pass, LLC	10-00120 NPO
Clear Creek Development	10-00121 NPO
Brisbane Centre, LLC	10-00122 NPO
Landsdowne Group, LLC	10-00123 NPO
Snowden Grove Investors, LLC	10-00124 NPO

(Collectively referred to as "Related Cases")

4.

On May 21, 2010, the Order entered its Order Granting Motion to Approve Title Resolution Agreement, Including (i) Conditional Sale of Property Free and Clear of Liens, Interests, Encumbrances and Claims, (ii) Recognition of Equitable Liens, (iii) Certain Distributions in Respect of Certain Unsecured Claims, (iv) Resolution of Certain Litigation, and (v) Other Relief (Docket No. 683) ("Settlement Order"). Pursuant to the Settlement Order, Mississippi Valley Title conditionally purchased certain tracts of property while allowing the Trustee an opportunity to market and sell the property. In the event the Trustee obtains an offer for the purchase of certain property, the Settlement Order provides for the Trustee to file a Motion for Authority to Sell and submit the property for auction.

5.

The Trustee has received an offer from Community Extended Care Centers, Inc. for the purchase of Tract 3A. The proposed purchase price is \$265,000.00. A copy of the Qualification Information Sheet and Commercial Purchase and Sale Agreement are attached hereto and marked as composite Exhibit "1". A diagram of Tract 3 including Tract 3A is attached hereto and marked as Exhibit "2".

6.

The Trustee requests the Court to authorize the sale of Tract 3A free and clear of liens, interests, encumbrances and claims (except for real property taxes).

7.

The Trustee requests the Court to approve the sale to Community Extended Care Centers, Inc. or other qualified buyer willing to pay more. The Trustee further requests the Court to find that Community Extended Care Centers, Inc. or another qualified buyer to be a good faith purchaser entitled

to the protections of 11 U.S.C. §363(m) of the United States Bankruptcy Code and that there has been no agreement of the kind specified in §363(n) of the United States Bankruptcy Code.

8.

Pursuant to the Settlement Order, Mississippi Valley Title is entitled to submit competing bids for the purchase of Tract 3A.

9.

JCE Construction, LLC is the record title holder on Tract 3A. Pursuant to the Settlement Order, Mississippi Valley Title previously paid \$225,144.67 for Tract 3A. Mississippi Valley Title is entitled to a lien against the sales proceeds in the amount of \$225,144.67. Mississippi Valley Title's lien shall attach to the proceeds at the time of the closing of the sale. Mississippi Valley Title shall be reimbursed \$225,144.67 at the time of the closing of the sale. Any and all proceeds in excess of the payment to Mississippi Valley Title shall be retained by the JCE Construction, LLC bankruptcy estate.

10.

On May 27, 2010, the Court entered its Order Approving Application to Employ Real Estate Broker and Approve Listing Agreement - Madison County Property (Docket No. 694), which employed Brian E. Estes, of The Estes Group, Inc. and Grubbs & Ellis/Sawyer Commercial on behalf of the estate as a real estate broker for the sale of real property in Madison County, Mississippi. Pursuant to the Court Order realtors are entitled to a ten percent (10%) commission. The Trustee requests authority to pay real estate commission at closing.

11.

The Trustee requests the Court to find that his motion is well taken and should be granted. The Trustee further requests the Court to authorize the Trustee to execute any and all documentation required to consummate the sale.

WHEREFORE, the Trustee requests to the Court to find that his Motion to Sell Assets Free and Clear of Liens, Interest, Encumbrances and Claims - Tract 3A is well taken and should be granted.

Respectfully submitted,

By: s/ Derek A. Henderson  
DEREK A. HENDERSON, TRUSTEE &  
ATTORNEY FOR THE TRUSTEE

**CERTIFICATE OF SERVICE**

I, DEREK A. HENDERSON, do hereby certify that I have this date served, via United States Mail, postage prepaid, a true and correct copy of the above and foregoing Motion to Sell Assets Free and Clear of Liens, Interest, Encumbrances and Claims - Tract 3A to all creditors and parties in interest listed on the mailing matrix and the following:

Community Extended Care Centers, Inc.  
c/o Hibernia Williams  
763 Avery Blvd. North  
Ridgeland, MS 39157

Brian E. Estes  
The Estes Group, Inc.  
PO Box 12486  
Jackson, MS 39236

This the 17<sup>th</sup> day of August, 2010.

s/ Derek A. Henderson  
DEREK A. HENDERSON

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**111 East Capitol Street**  
**Suite 455**  
**Jackson, MS 39201**  
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